

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MAY 17, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Approval of Council Minutes.

ITEM-31: Emergency Services Week.
MAYOR MURPHY’S RECOMMENDATION: Adopt the resolution.

ITEM-32: Captain Harold L. Cox Day.
COUNCILMEMBER LEWIS’ RECOMMENDATION: Adopt the resolution.

ITEM-33: Asthma Awareness Month.
COUNCILMEMBER MADAFFER’S RECOMMENDATION: Adopt the resolution.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda scheduled for 9 a.m. on Tuesday, May 18, 2004. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Second Amendment to the Office Lease Agreement for the Family Justice Center at 707 Broadway.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 5/4/2004.
- ITEM-51: California Energy Commission Energy Efficiency Financing for General Fund Facility Improvements. Clairemont Mesa, North Park, Tierrasanta, Linda Vista, Kearny Mesa, Carmel Valley, Allied Gardens, City Heights, Navajo, Pacific Beach, Rancho Penasquitos, Oak Park, Skyline-Paradise Hills, Golden Hill, and Balboa Park Community Areas. (Dists. 1, 2, 3, 4, 6, 7, and 8)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 5/4/2004.
- ITEM-52: Public Art Master Plan.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced as amended on 5/4/2004.
- ITEM-100: West Mission Bay Drive/Mission Boulevard Improvement. Mission Beach Community Area. (Dist. 2)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Applying to HUD for a Section 108 Loan for the San Diego Food Bank. Mira Mesa Community Area. (The Food Bank Facility is in Dist. 5 and Dists-1, 3, 7, and 8 are involved in repayment)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Additional Funding for Reo Drive Improvements. Skyline/Paradise Hills Community Areas. (Dist. 4)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Authorizing Designated City Officials to Obtain Certain Financial Assistance on City's Behalf.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Annual Review of the Fiscal Year 2002-2003 North City West School Facilities Master Plan for the Carmel Valley Community. Carmel Valley Community Area. (Dist. 1)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Fifth Amended Unified San Diego County Emergency Services Agreement.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Easement Grant for Utility Purpose to San Diego Gas and Electric Company in the Scripps Ranch Area. Scripps Ranch Community Area. (Dist. 5)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Angle Parking on Girard Avenue. La Jolla Community Area. (Dist. 1)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Amendment to the Retainer Agreement with Luce, Forward, Hamilton & Scripps, LLP, for Certain Legal Services related to the Department of Industrial Relations Determination of Prevailing Wage Issues Involving Ballpark Infrastructure Construction Contracts. East Village Community Area. (Dists. 2 and 8)
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Change Order No. 3 to Contract with Arrieta Construction, Inc. for Jamacha Road Improvement. Skyline/Paradise Hills Community Areas. (Dist. 4)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 4/28/2004, NR&C voted 5 to 0 to approve the project.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-110: Change Order No. 1 to Contract with Filmex Inc., Doing Business as Metropolitan Construction, for Water Group 656. Ocean Beach and College Community Areas. (Dists. 2 and 7)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 4/28/2004, NR&C voted 5 to 0 to approve the project.
- ITEM-111: First Amendment to the Design Agreement with CGvL Engineers for Pump Station Upgrades.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 4/28/2004, NR&C voted 5 to 0 to approve the project.
- ITEM-112: Agreement with RECON Environmental, Inc., for Environmental Services.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 4/28/2004, NR&C voted 5 to 0 to approve the project.
- ITEM-113: Nominations to the Centre City Development Corporation (CCDC) Board of Directors.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: White Sands of La Jolla Day.
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-115: Maria Galleta Day.
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Committee Items

- ITEM-260: Collection Services Re-Routing/Greenery Expansion Project.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: Informational report only. No action taken.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

04/12/2004
04/13/2004
04/19/2004
04/20/2004
04/26/2004
04/27/2004

ITEM-31: Emergency Services Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1158)

Recognizing the dedicated men and women in emergency medical services whose selfless efforts help save and protect the lives of those living in our community;

Proclaiming May 16-22, 2004 to be "Emergency Medical Services Week" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: Captain Harold L. Cox Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1171)

Commending Captain Harold L. Cox for the exceptional service and commitment he has given to all communities in San Diego;

Proclaiming May 17, 2004 to be "Captain Harold L. Cox Day" in the City of San Diego.

ITEM-33: Asthma Awareness Month.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1001)

Proclaiming May 2004 to be "Asthma Awareness Month" in the City of San Diego.

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REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, and 52.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * ITEM-50: Second Amendment to the Office Lease Agreement for the Family Justice Center
at 707 Broadway.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/4/2004. (Council voted 8-0.
Councilmember Peters not present):

(O-2004-131)

Authorizing the City Manager to execute the Second Amendment to the Office
Lease with 7th & Broadway Partners, LLC; 901 7th Avenue Partners, LLC; and
707 Weber, LLC; for space at 707 Broadway Tower;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed
\$277,881.92 from the Office Space Program Budget, Fund No. 100, Dept. 601,
for rent and utility charges from the FY 2005 Budget, contingent upon approval of
the FY 2005 Budget by the Mayor and Council.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-51: California Energy Commission Energy Efficiency Financing for General Fund Facility Improvements.

(Clairemont Mesa, North Park, Tierrasanta, Linda Vista, Kearny Mesa, Carmel Valley, Allied Gardens, City Heights, Navajo, Pacific Beach, Rancho Penasquitos, Oak Park, Skyline-Paradise Hills, Golden Hill, and Balboa Park Community Areas. Districts-1, 2, 3, 4, 6, 7, and 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/4/2004 (Council voted 8-0. Councilmember Peters not present.):

(O-2004-134)

Authorizing the City Manager, to apply for, enter into, conduct negotiations for, and execute and comply with all requirements for a fifteen-year loan agreement with the California Energy Commission in the amount of \$2,230,000 at a rate of 3.95% interest, to implement energy efficiency improvements, under the terms and conditions set forth in the Energy Conservation Assistance Account Loan Agreement No. 023-03-ECB;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the above loan and to expend funds as directed by the administering department;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2004 Capital Improvement Program budget to add CIP-37-017.0, Annual Allocation-City Facility Energy Improvements;

Authorizing and directing the City Auditor and Comptroller to increase CIP-37-017.0, Annual Allocation-City Facility Energy Improvements, by the amount of \$2,230,000;

Authorizing the City Auditor and Comptroller, contingent upon receipt of a fully executed loan agreement, to appropriate and expend an amount not to exceed \$2,230,000 from CIP-37-017.0, Annual Allocation-City Facility Energy Improvements;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-51: (Continued)

Authorizing the expenditure of an amount not to exceed \$300,000 from the Capital Outlay Revolving Fund No. 30245, Department 3245, Organization Number 102, to provide an advance to reimbursable loan funds from the California Energy Commission for the Capital Improvement Program costs in connection with facility energy improvements.

* ITEM-52: Public Art Master Plan.

NOTE: Public testimony portion of the hearing is closed. Testimony taken on April 27, 2004.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 5/4/2004. (Council voted 8-0. Councilmember Peters not present.)

(O-2004-124 Rev. 2)

Amending Chapter 2, Article 6, Division 7, of the San Diego Municipal Code by amending Section 26.0701, by renumbering and amending Section 26.0702 to 26.0703, Section 26.0703 to 26.0704, and Section 26.0705 to 26.0702, by adding new Section 26.0705, by retitling and amending Sections 26.0706 and 26.0707, and by adding new Sections 26.0708, 26.0709, 26.0710, 26.0711, and 26.0712, all relating to the Commission for Arts and Culture and the development of cultural and artistic resources in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: West Mission Bay Drive/Mission Boulevard Improvement.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1172)

Amending the Fiscal Year 2004 Capital Improvements Program Budget for West Mission Bay Drive/Mission Boulevard Improvements by increasing the budget amount by \$45,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$45,000 from Fund 10532, for CIP-52-707.0, West Mission Bay Drive/Mission Boulevard Improvements, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The action will provide the \$45,000 of additional Belmont Park Traffic Amelioration funds needed for the construction of two fully designed projects in the Mission Beach Community Area; West Mission Bay Drive/Mission Boulevard Improvements. The two projects, described below, will be constructed simultaneously for a total construction cost of \$132,000. Both projects have been approved by the Mission Beach Town Council and the Mission Beach Precise Planning Board.

The West Mission Bay Drive Improvements will provide for a raised center median and mid-block crosswalk along West Mission Bay Drive between Gleason Road and Mission Boulevard. This work will include the installation of advance warning signs and solar powered flashing pedestrian beacons. The construction cost for these improvements is \$82,000.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The Mission Boulevard Improvements will provide for a right turn lane on Mission Boulevard into the Belmont Park parking lot by narrowing the center median, re-striping the lanes, and redesigning the traffic signal loops to facilitate traffic flow. The construction cost for these improvements is \$50,000.

FISCAL IMPACT:

Funds in the amount of \$45,000 are available in Fund 10532, Belmont Park Traffic Amelioration Fund. \$150,000 in Belmont Park Traffic Amelioration funds was previously authorized.

Loveland/Belock/PB

Aud. Cert. 2401051.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: Applying to HUD for a Section 108 Loan for the San Diego Food Bank.

(See City Manager Report CMR-04-024. Mira Mesa Community Area. The Food Bank Facility is in District-5 and Districts-1, 3, 7, and 8 are involved in repayment.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-817)

Authorizing the City Manager to apply to HUD for a Section 108 loan not to exceed \$245,000 for improvements to be made to the San Diego Food Bank and to set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager to accept such funds; to expend such funds contingent upon receipt of an Auditor's Certificate to do so; to conduct all negotiations related to the loan; and to execute and submit all documents related to the processing of such a loan;

Authorizing the City Manager to use future Community Development Block Grant (CDBG) entitlement grants as the source of repayment of the HUD Section 108 loan for 10 years as follows: District 1, up to \$5,000 per year; District 3, up to \$10,000 per year; District 7, up to \$5,000 per year; and District 8, up to \$10,000 per year beginning no sooner than FY 2005;

Authorizing the City Manager to amend the 2004 CDBG Action Plan to include the use of HUD Section 108 loan funds for the San Diego Food Project;

Authorizing the City Manager to pledge the City's future annual CDBG entitlement grants as additional security for the repayment of the loan.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: Additional Funding for Reo Drive Improvements.

(Skyline/Paradise Hills Community Areas. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1179)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$70,000 in TransNet, from CIP-52-654.0, Lisbon Street Widening to CIP-39-233.0, Reo Drive Improvements, Fund No. 30306;

Authorizing the City Manager to replenish the transferred funds in an amount not to exceed \$70,000 into CIP-52-654.0, Lisbon Street Widening, when the annual commercial paper reallocation is authorized for Fiscal Year 2005;

Approving the expenditure of an amount not to exceed \$70,000 from TransNet Funds, for the purpose of construction, from CIP-39-233.0, Reo Drive Improvements, provided that the City Auditor and Comptroller first furnishes a certificate of funds being available;

Authorizing the City Auditor and Comptroller, upon the direction of the City Manager, to reallocated the funding sources between TransNet and Commercial Paper funded projects as may appropriate to maximize the use of TransNet cash and reduce the use of Commercial Paper funding for CIP-39-233.0, Reo Drive Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Reo Drive Improvements, also known as the Paradise Hills Revitalization Project, provides a simple vision and implementation strategy for the rehabilitation of an older commercial strip development in the heart of the Paradise Hills neighborhood. The 3.34 acre site includes the east and west sides of Reo Drive between Cumberland and Abemarle Streets.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The City received a State Parks Grant funding in an amount of \$279,740 towards this project, however, the total estimated cost of \$800,000 far exceeded the grant funding. Therefore the project was divided into two phases in order to meet the grant expenditure deadline of May 2004. Phase I consists of hardscape improvements with added crosswalks, installation of curb pop-outs, and planting of trees along sidewalks; Phase II will provide for an approximate 20 foot road widening with new curbs, diagonal parking along the street, extended crosswalks, and sidewalks along storefronts.

In addition to the State grant, there is \$55,375 in Transnet funding currently appropriated for the project. The bid opening for Phase I took place on February 12, 2004 with five bids submitted. The lowest bidder was deemed non-responsive due to the City's prime Contractor requirement to perform 50% of the work. In order to award the project the second low bidder, the project needed additional \$70,000. Reo Drive Phase II is scheduled to receive Transnet funds in the amount of \$550,000 in Fiscal Year 2005. Funds are available in the amount of \$70,000 from Lisbon Street Widening, which can be transferred into the Reo Drive Improvements to avoid the loss of State grant funding, and then the \$70,000 will be returned to Lisbon Street Widening in FY 2005.

FISCAL IMPACT:

Funds for this action are available in CIP-52-654.0, Lisbon Street Widening, Fund 30300. The Lisbon project funds will be replenished when the annual commercial paper reallocation is authorized for Fiscal Year 2005. No expenditures are anticipated to be incurred against commercial paper at this time. In an effort to defer the issuance of commercial paper, \$70,000 will be identified through our cash management process.

Loveland/Belock/PB

Aud. Cert. 2401063.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Authorizing Designated City Officials to Obtain Certain Financial Assistance on City's Behalf.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1156)

Authorizing the City Manager, Assistant City Manager, Deputy City Manager and CIO, and Director of the Office of Homeland Security, to execute and file in the State Office of Emergency Services applications and documents for the purpose of obtaining federal financial assistance under Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, or state financial assistance under the California Disaster Assistance Act;

Rescinding the Resolution No. R-290115, adopted on May 18, 1998.

CITY MANAGER SUPPORTING INFORMATION:

This resolution updates and replaces Resolution R-290115, adopted on May 18, 1998, which quoted outdated public law. The California Governor's Office of Emergency Services has requested a reauthorization resolution designating City officials who are authorized to execute, for and on behalf of the City, applications and documents for the purpose of obtaining certain financial assistance.

Arellano/Lee/DF

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-104: Annual Review of the Fiscal Year 2002-2003 North City West School Facilities Master Plan for the Carmel Valley Community.

(See City Manager Report CMR-04-096. Carmel Valley Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1159)

Accepting the Fiscal Year 2002-2003 North City West School Facilities Master Plan for the Carmel Valley Community.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: Fifth Amended Unified San Diego County Emergency Services Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1161)

Authorizing the City Manager, Director of the Office of Homeland Security, or their respective designee, to execute the Fifth Amended Unified San Diego County Emergency Services Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Membership in the Unified San Diego County Emergency Services Organization (ESO) includes each of the eighteen incorporated cities and the County of San Diego. The primary purposes of the Organization are to coordinate and facilitate regional emergency plans and programs which are intended to preserve the life and safety of people and property and to make provisions for the execution of plans, programs, and for mutual assistance in the event of multi-jurisdictional emergencies or disasters.

The City of San Diego is a participatory signatory to the Fourth Amended Unified San Diego County Emergency Services Agreement. This Fifth Amended Unified San Diego County Emergency Services Agreement continues to serve the above purposes while also making changes to the voting system (similar to the SANDAG model), creating a joint powers agreement, naming the County Treasurer as the depositary and custodian of all the money of the ESO, and describing the responsibilities of the County Treasurer.

FISCAL IMPACT:

There is no direct fiscal impact.

Arellano/Lee/DF

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Easement Grant for Utility Purpose to San Diego Gas and Electric Company in the Scripps Ranch Area.

(Scripps Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-996)

Authorizing the City Manager to convey for a payment of \$1,000 an easement and right of way for utility purposes to the San Diego Gas and Electric Company for the purpose of maintaining, constructing, repairing and using underground facilities and appurtenances for the transmission and distribution of electricity in, upon, over, under, and across a portion of Lot 90 of McMillin Scripps Two, Unit No. 1, according to Map 9305 filed in the Office of the San Diego County Recorder;

Authorizing the City Manager to execute the Easement in favor of the San Diego Gas and Electric Company.

CITY MANAGER SUPPORTING INFORMATION:

SDG&E has submitted a request for an electrical easement and right of way in, upon, over, under, and across the land located west of Mesa Madera Drive and north of Red Cedar Drive in Scripps Ranch. The proposed easement and right of way area is a portion of a larger parcel used as part of an open space system in the Scripps Ranch community. The larger parcel (APN: 319-030-52) totals 13.83 acres and the proposed easement and right of way is approximately 147 square feet or .003 acres of this parcel and located at the edge of the sidewalk on Mesa Madera Drive.

The larger parcel was dedicated by Ordinance O-16901 on July 12, 1987. At that time, the City of San Diego specifically reserved the right to establish underground public service easements through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for park and recreational purposes. The proposed easement and right of way does not affect the open space area walking trail system. The trail used in this area is north of the easement. The above-ground portion of the facility will be landscaped in a manner that will conceal it from public view.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

SDG&E intends to install a pad mounted electrical (“PME”) switch on the proposed easement and right of way that will allow SDG&E to automatically switch to a new circuit whenever circuit overload occurs in the electrical system in the Scripps Ranch community. This will alleviate the necessity to send a work crew to the area. The structural nature of the PME switch requires that a portion of it will be installed above ground to a height of only four feet. Due to the recent wild fires and upcoming warm weather, SDG&E believes it is imperative to install the equipment as soon as possible for the benefit of Scripps Ranch residents.

Based on a fair market appraisal conducted by an appraiser selected by the City, the compensation to the City of San Diego is a one time payment of \$1,000.

FISCAL IMPACT:

A one time payment of \$1,000 will be deposited into General Fund 100.

Herring/Griffith/CLY

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Angle Parking on Girard Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1109)

Approving angle parking on the east side of Girard Avenue in front of La Jolla Elementary School, pursuant to San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings to be made on said streets, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install angle parking on the east side of Girard Avenue in front of La Jolla Elementary School.

Currently, parallel parking exists on the east side of Girard Avenue in front of La Jolla Elementary School with a school bus zone in effect on school days from 7:00 a.m. to 4:00 p.m. The installation of angle parking at this location will provide approximately 6 additional parking spaces and the existing school bus zone will remain in effect during the times indicated above.

The San Diego City Schools and La Jolla Community Planning Association are in support of this action.

FISCAL IMPACT:

\$600. Funds are not budgeted for this purpose, however, Street Division will reprioritize other maintenance needs in order to complete this project.

Loveland/Belock/VW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Amendment to the Retainer Agreement with Luce, Forward, Hamilton & Scripps, LLP, for Certain Legal Services related to the Department of Industrial Relations Determination of Prevailing Wage Issues Involving Ballpark Infrastructure Construction Contracts.

(East Village Community Area. Districts-2 and 8.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1124)

Authorizing and Directing the City Attorney to execute an amendment to the retention agreement with Luce, Forward, Hamilton & Scripps, LLP (Firm) for an additional amount not to exceed \$100,000 for a total contract amount not to exceed \$125,000;

Authorizing the expenditure of an amount not to exceed \$100,000 from Fund 81140, Dept. 81140, Org. No. 3501, Object Account 4141, Job Order 81150, for the purpose of providing funds for additional services relating to filing an appeal of the Department of Industrial Relations determination of prevailing wage issues involving Ballpark Infrastructure construction contracts.

SUPPORTING INFORMATION:

The California Department of Industrial Relations has issued a Determination which concludes that the construction of the City's Ballpark Project, including all related infrastructure work, is subject to the payment of prevailing wages. The City believes this Determination is, for the most part, erroneous and that appeal and review by the Superior Court may result in overturning the Determination. An initial agreement in an amount not to exceed \$25,000 was authorized with Mr. Charles Bird, Esq. to work with the City Attorney's Office in representing the City in this matter. Additional services are now required to file this appeal and take all necessary legal actions. An additional \$100,000 is required to fund the necessary services. The total contract will be in an amount not to exceed \$125,000.

Katz/Herring

Aud. Cert. 2401016.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: Change Order No. 3 to Contract with Arrieta Construction, Inc. for Jamacha Road Improvement.

(See memorandum from Frank Belock, Jr. dated 4/20/2004. Skyline/Paradise Hills Community Areas. District-4)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1032)

Approving Change Order No. 3 dated February 23, 2004, issued in connection with the contract with Arrieta Construction, Inc., for the construction of Jamacha Road Improvement (Project), and the changes therein set forth, amounting to a net increase in the contract price of \$29,869.15;

Authorizing an additional expenditure of an amount not to exceed \$145,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for construction and related costs for the Project;

Approving the additional use of City Force Work in an amount not to exceed \$50,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, Sub CIP-73-859.9, for the construction of the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the project. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

This action is to obtain approval to fund Change Order No. 3 in the amount of \$29,869.15 for the Jamacha Road Improvement Project and to cover related costs for water operations and engineering. This project has been awarded to Arrieta Construction and consists of widening Jamacha Road from Meadowbrook to Cardiff Street, and upgrading the water main within these boundaries. Currently, the construction of this project is 95% complete.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: (Continued)

SUPPORTING INFORMATION: (Continued)

The water main is being replaced because of its deteriorated state and several failures that have occurred in the past. Replacement of the water main along Jamacha Road between Meadowbrook and Cardiff Street has allowed the City to prevent water main breaks and avoid future excavation in the street for water main repairs. The work under Change Order No. 3 includes additional asphalt cement pavement as patching for extensive trench repairs, additional curb, gutter, and sidewalk replacement, as well as additional traffic detector loop replacement associated with the water main replacement work.

FISCAL IMPACT:

The total cost of this request is \$145,000 for a total of \$1,005,273. Of this additional funding, \$35,000 is for contingencies, \$50,000 is for City Force Work, and \$60,000 is for engineering related costs. Funding is available from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement. This project is scheduled to be constructed in FY 2004.

Loveland/Belock/HR

Aud. Cert. 2400971.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-110: Change Order No. 1 to Contract with Filmex Inc., Doing Business as Metropolitan Construction, for Water Group 656.

(See memorandum from Frank Belock, Jr. dated 4/20/2004. Ocean Beach and College Community Areas. Districts-2 and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1111)

Approving Change Order No. 1, dated March 18, 2004, issued in connection with the contract between the City of San Diego and Filmex Inc., doing business as Metropolitan Construction, and the changes therein set forth, amounting to a net increase in the contract price not to exceed \$349,202.78, and an extension of time of 40 working days;

Approving an additional expenditure of an amount not to exceed \$463,149.97 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for construction and related costs for the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the project. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

Water Group 656 is part of the City of San Diego's continuing Annual Water Main Replacement Program. This project is located in the Ocean and College areas. It includes the replacement of approximately 11,710 linear feet of eight-inch and twelve-inch old and deteriorated cast iron water mains, water services, fire services, and fire hydrants. It includes re-paving and slurry sealing the streets affected by construction. The streets affected by construction operations within this project are: Adams Avenue, Santa Barbara Street, Alice Street, Ashby Street, Coronado Avenue, and Orchard Avenue as shown on the location map.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: (Continued)

SUPPORTING INFORMATION: (Continued)

The Change Order is to compensate the contractor for providing equipment, materials, and labor for the removal and disposal of the thick asphalt and concrete paving encountered along the alignment during construction, removal, and replacement of additional existing heavily damaged pavement and for installing additional water services.

FISCAL IMPACT:

The total cost of this project is \$2,497,656.92. Funding of \$2,034,507 was previously authorized by R-295933 on January 14, 2002. This request is authorizing additional expenditures of \$463,149.97 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement.

Loveland/Belock/HR

Aud. Cert. 2401008.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-111: First Amendment to the Design Agreement with CGvL Engineers for Pump Station Upgrades.

(See memorandum from Scott Tulloch dated 4/21/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1173)

Authorizing the City Manager to negotiate and execute a First Amendment to the Design Agreement with CGvL Engineers for Pump Station Upgrades for an amount not to exceed \$915,539;

Authorizing the City Auditor and Comptroller to transfer \$613,503 to CIP-41-929.0, Pump Station Upgrades, of which \$461,415 is from CIP-46-197.6, USIU Trunk Sewer, and \$152,088 is from CIP-46-195.8, Miramar Road Trunk Sewer, all with Fund 41506;

Authorizing the City Manager to revise contract phase funding with CGvL Engineers as follows:

<u>FUNDING PHASE</u>	<u>AMOUNT</u>	<u>FY</u>	
Phase 1	\$606,673	2003	Previously Funded
Phase 2	\$1,117,797	2004	Previously Funded \$669,774 of this phase.
Phase 3	\$622,404	2005	Previously Funded \$154,888 of this phase.
TOTAL	\$2,343,874		

Authorizing the expenditure of an additional amount not to exceed \$915,539 from Fund 41506, CIP-41-929.0, Pump Station Upgrades, for the purpose of funding the agreement and amendment with CGvL Engineers as follows:

<u>FY</u>	<u>AMOUNT</u>	
2004	\$448,023	
2005	\$467,516	(contingent upon Council approval of this funding in the FY 2005 budget)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: (Continued)

provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under said contract are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the project. (Councilmembers Madaffer, Zucchet, Lewis, Frye, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The original approved agreement (R-297744) with CGvL Engineers includes pre-design, design and construction support work associated with the upgrade of 23 City-wide pump stations, including the installation of dual force mains and underground storage tanks. During the design review stage, several items not identified in the original scope of work but needed to complete the design were identified. These include:

1. Potholing for unknown utilities along the alignment of the 13 force mains associated with these pump stations due to inadequate as-built drawings. The number of potholes required is 125. This will prevent potential change orders during construction and minimize redesign costs due to unknown utilities and/or erroneous sub-surface materials.
2. Capacity upgrades for pump stations 43, 51, 60A, 71 and 73 due to recent hydraulic analysis performed on them and identified during the 30% Design Submittal as not meeting capacity.
3. Design and installation of odor control equipment, pump station operation safety components and modifications to ensure system uniformity on instrumentation and electrical components.
4. Preparation of a Pre-Design Report on the abandonment of Pump Station 62 (not part of the original 23 pump stations), and expansion of Pump Station 84 to accommodate the additional flows from Pump Station 62 and the necessary new pipelines and appurtenances associated with this work.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: (Continued)

SUPPORTING INFORMATION: (Continued)

This additional work provides for safer and more efficient operation and maintenance of all of these pump stations and force mains, and further provides the reliability needed per the City Sewer Design Guide. This Amendment is for a total of \$915,539. The original contract with CGvL is for \$1,428,335, for a total contract of \$2,343,874.

FISCAL IMPACT:

The total cost of this phase funded agreement is \$2,343,874, of which \$1,428,335 has been previously authorized by Resolution R-297744 on March 24, 2003. This request is for \$915,539. Funds are available in Sewer Fund No. 41506, CIP-41-929.0, Pump Station Upgrades, including \$448,023 in FY 2004 to fund the previously unfunded portion of Phase 2.

Mendes/Tulloch/AS

Aud. Cert. 2401039.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: Agreement with RECON Environmental, Inc., for Environmental Services.

(See memorandum from Frank Belock, Jr. dated 4/20/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1081)

Authorizing the City Manager to execute an agreement with RECON Environmental, Inc., for environmental planning and design services;

Authorizing the expenditure of an amount not to exceed \$25,000 from Water Fund 41500 and an amount not to exceed \$775,000 from Sewer Fund 41506 for a total amount not to exceed \$800,000, for the purpose of providing funds for the project and agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/28/2004, NR&C voted 5 to 0 to approve the project. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The effort to support the increased rate of replacement of the City's aging sewer and water lines and the increased effort allocated to canyon sewer issues has created an increased demand for environmental services. On October 4, 2003, the City's Consultant Services Coordinator advertised for Environmental Services to provide environmental services and canyon sewer access planning support for sewer and water pipeline projects. The advertisement had been placed in the San Diego Daily Transcript, Asian Journal, Integrated Marketing Systems, and the City of San Diego Web Page/Public Notice. Seventeen (17) firms responded on October 24, 2003, and the Consultant Nominating Committee nominated the nine (9) most qualified firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed, and RECON Environmental was selected as one of the best qualified firms to provide the Environmental Services.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: (Continued)

SUPPORTING INFORMATION: (Continued)

The agreement provides for environmental services by task order on an hourly basis not to exceed \$100,000 per task. These services include, but are not limited to, performing canyon sewer access planning; biological resource evaluations including field surveys, wetland delineations, biology and wetland reports, mitigation, and mapping services, and construction monitoring; revegetation design with "D" sheet drawings to accompany the design; water quality analysis; resource agency permitting; archaeological resources evaluations/monitoring services; paleontological resources evaluation/monitoring services; and preliminary hazardous waste analysis. These services are required in order to meet the anticipated planning and design needs for the current sewer main and water replacement program. The total contract with this firm shall not exceed \$800,000 for a period of two (2) years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement will be \$800,000. Funding of \$25,000 is available in Water Fund 41500 and \$775,000 is available in Sewer Fund 41506.

Loveland/Belock/HR

Aud. Cert. 2400987.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-113: Nominations to the Centre City Development Corporation (CCDC) Board of Directors.

(See memorandum from Mayor Murphy dated 5/6/2004, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1199)

Nominating for re-election to the Centre City Development Corporation (CCDC) Board of Directors, for terms ending May 1, 2007, as follows:

<u>NOMINEE</u>	<u>CATEGORY</u>	<u>NOMINATED BY</u>
Wayne Rafflesberger	General Business	Mayor Dick Murphy
Harold G. Sadler	Architect	Mayor Dick Murphy

Declaring that Wayne Rafflesberger and Harold G. Sadler are hereby re-elected to the Centre City Development Corporation Board of Directors, for terms ending May 1, 2007.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-114: White Sands of La Jolla Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1182)

Commending White Sands of La Jolla for its industry leadership, community citizenship, and success in providing housing and services for seniors;

Proclaiming May 10, 2004 to be "White Sands of La Jolla Day" in the City of San Diego.

* ITEM-115: Maria Galleta Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1183)

Recognizing the outstanding volunteer efforts of Maria Galleta in the area of HIV/AIDS assistance, and commending her for more than a decade of community service;

Proclaiming May 9, 2004 to be "Maria Galleta Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS:

ITEM-260: Collection Services Re-Routing/Greenery Expansion Project.

(See City Manager Report CMR-04-083.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1207)

Accepting the City Manager's report on the planned re-routing of refuse collection services and the expansion of greenery collection services.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Informational report only. No action taken.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT